APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,585	10/22/2001	Nobuyoshi Sakatani	09662/0205733-US0	6588

7278   7590   05/30/2007

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EXAMINER
BRUCKART, BENJAMIN R

ART UNIT	PAPER NUMBER
2155	

MAIL DATE	DELIVERY MODE
05/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Interview Summary	10/020,585	SAKATANI, NOBUYOSHI
	Examiner	Art Unit
	Benjamin R. Bruckart	2155

All participants (applicant, applicant's representative, PTO personnel):

(1) _Benjamin R. Bruckart_.   (3)_____.

(2) _Thomas Bean, Reg. No 44,528_.   (4)_____.

Date of Interview: _22 May 2007_.

Type: a)☒ Telephonic   b)☐ Video Conference
      c)☐ Personal [copy given to: 1)☐ applicant   2)☐ applicant's representative]

Exhibit shown or demonstration conducted: d)☐ Yes   e)☒ No.
     If Yes, brief description: _____.

Claim(s) discussed: _1_.

Identification of prior art discussed: _Landsman, Berstis, Braun_.

Agreement with respect to the claims f)☐ was reached.   g)☒ was not reached.   h)☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: _See Continuation Sheet_.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

SALEH NAJJAR
SUPERVISORY PATENT EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

_____
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The examiner and applicant discussed proposed amendments to claim 1 regarding each browser operating independently of eachother and downloading the most updated information regardless about if another browser is closed is a step in the right direction. The limitations amended and new regarding cookies are new and would require further search but cookies are well published in the art and while it is an additional feature of the invention, it might not be as novel as the independent browsers with the pulling data as propsed in claim 1..

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ATTORNEY DOCKET NO.: 09662/0205733-US0

DATE: May 21, 2007

TELECOPIER TRANSMISSION COVER SHEET

NUMBER TRANSMITTING TO: 571-273-3982

TO: **UNITED STATES PATENT AND TRADEMARK OFFICE**

EXAMINER: BENJAMIN R. BRUCKART

ART UNIT: 2155

FROM: THOMAS J. BEAN

PAPER(S) BEING TRANSMITTED: 18

NO. OF PAGES (INCLUDING COVER SHEET): 19

COMMENTS:

RE: U.S. Application No. 10/020,585, filed October 22, 2001

Dear Examiner Bruckart,

Enclosed is a copy of a draft Response to Non-Final Office Action for U.S. Patent Application No. 10/020,585. I will call you tomorrow (May 22, 2007) at 11:00am for our telephonic interview.

PLEASE RETURN TO CHRISSY MAVROS

* IF YOU DO NOT RECEIVE **ALL** PAGES, PLEASE TELEPHONE US IMMEDIATELY AT (212) 527-7774

Docket No.: 09662/0205733-US0
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Nobuyoshi Sakatani

Application No.: 10/020,585   Confirmation No.: 6588

Filed: October 22, 2001   Art Unit: 2156

For: INFORMATION DELIVERY SYSTEM,   Examiner: B. R. Bruckart
      ADVERTISEMENT DELIVERY SYSTEM,
      INFORMATION DELIVERY PROGRAM,
      SERVER, INFORMATION DELIVERY
      SERVER, ADVERTISEMENT INFORMATION
      DELIVERY METHOD AND SAVER PAGE
      DISPLAY METHOD

AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

In response to the Office Action dated February 15, 2007, please amend the above-identified U.S. patent application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 10 of this paper.

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Amendment dated
Reply to Office Action of February 15, 2007

AMENDMENTS TO THE CLAIMS

1.   (Currently amended) An information delivery system, comprising:

a computer terminal; and

an information provider server,

wherein said computer terminal and said information provider server are connected with each other via a network;

wherein said information provider server transmits content having an information receiving program or a tag for an information receiving program to said computer terminal in response to being accessed by said computer terminal;

wherein said computer terminal executes a plurality of tasks, including a browser application, in a plurality of application windows simultaneously displayed on the computer terminal, and the content is displayed by the browser application in one window of the plurality of windows; [[and]]

wherein said computer terminal accesses and retrieves delivery information at the time it is displayed from a predetermined server via the network by the browser application, and without changing information displayed in other windows of the plurality of windows, automatically displays the delivery information in the one window, in the case where, after said browser application displays the content in the one window, it is judged that an entering operation is not executed in the one window for a predetermined period of time by said information receiving program or the information receiving program obtained by the tag, even when an entering operation is executed in the other windows during the predetermined period of time; and

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[handwritten: when browser closes]

wherein said computer terminal terminates said information receiving program or the

information receiving program obtained by the tag, when said computer terminal terminates the

display of the received delivery information in the one window.

[handwritten: ① advantage each time a browser is opened.]

2.   (Original) The information delivery system according to claim 1, further comprising:

an information delivery server connected to the network,

wherein said information delivery server provides the delivery information in response to

being accessed by said computer terminal.

3-6. (Canceled)

7. (Currently amended) An information delivery program delivered according to a Web page

obtained from an information provider server via a network and displayed by a browser

application in one window of a plurality of windows simultaneously displayed on a computer that

executes a plurality of tasks, including the browser application, in the plurality of windows,

causing the computer to execute:

an entering operation judgment function for judging that an entering operation by a user is

not executed for said Web page obtained via the network and displayed on the computer for a

predetermined period of time under a condition that said Web page obtained via the network is

displayed;

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a content obtaining function for obtaining content by the browser application from a

predetermined server via the network in the case that it is judged that the entering operation by the

user is not executed for said Web page by said entering operation judgment function, even when

an entering operation by the user is executed in other windows of the plurality of windows during

the predetermined period of time; and

a content display function for displaying the content obtained by said content obtaining

function in said Web page, without changing information displayed in the other windows;

wherein said information delivery program is terminated when said computer terminates

the display of said content in the one window.

8. (Canceled)

9. (Previously presented) The information delivery program according to claim 7, causing the

computer to further execute a display restart function for restarting display of the Web page in a

case where a predetermined entering operation to the browser application displaying the content is

executed by user, after the content is displayed in place of the displayed Web page by said content

display function.

10. (Currently amended) The information delivery program according to claim 7, causing the

computer to further execute:

a category specifying function that specifies a category for which ~~for allowing the user to specify a category which~~ the user desires to obtain content from the predetermined server ~~by use of said content obtaining function~~; and

a writing function that writes ~~for writing~~ information regarding the category specified by said category specifying function into a cookie as user information, said cookie being transmitted to the information provider server by said browser application when said browser application accesses said predetermined server.

a category specifying function that specifies a category for which a user desires to obtain the alternate content; and

a writing function that writes information regarding the category specified by said category specifying function into a cookie as user information, said cookie being transmitted to the information provider server by said browser application when said browser application accesses said information provider server.

11-13. (Canceled)

14. (Currently amended) A server which is connected to a network and provides a computer apparatus connected to the network with a predetermined program, wherein the computer apparatus executes a plurality of tasks, including a browser application, in a plurality of application windows simultaneously displayed on the computer apparatus, said server comprising:

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an accepting means of a program receiving request for accepting a program receiving

request executed based on tag information contained in an HTML content which is obtained by the

computer apparatus from an information provider server via the network; and

a program providing means for providing an information receiving program based on the

program receiving request, the information receiving program being for accessing a

predetermined server via said network from the computer apparatus to pull alternate content

which is to be displayed by the browser application in place of the HTML content displayed in

one window of the plurality of windows on the computer apparatus, without changing information

displayed in other windows of the plurality of windows, in the case where, after said HTML

content is displayed in the one window, no operation is executed in the one window for a

predetermined period of time, even when an entering operation is executed in the other windows

during the predetermined period of time,

wherein said information receiving program is terminate when the computer apparatus

terminates the display of alternate content in the one window.

15-18. (Cancelled)

19. (Currently amended) An advertising information delivery method for delivering advertising

information to a viewer computer terminal via a network, wherein the viewer computer terminal

executes a plurality of tasks, including a browser application in a plurality of application windows

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simultaneously displayed on the viewer computer terminal said advertising information delivery

method comprising the steps of:

embedding an information receiving program in the HTML content obtained by the viewer

computer terminal by accessing an information provider server via the network;

supervising an entering operation for said HTML content displayed by the browser

application in one window of the plurality of windows of said viewer computer terminal by use of

the information receiving program after the HTML content is displayed in the one window of the

viewer computer terminal; [[and]]

delivering the advertising information to the viewer computer terminal from a

predetermined server via the network when it is judged that the entering operation is not executed

for said HTML content displayed in the one window of said viewer computer terminal for a

predetermined period of time by said information receiving program, even when it is judged that

an entering operation is executed in other windows of the plurality of windows during the

predetermined period of time; [[and]]

displaying the advertising information in the one window without changing information

displayed in the other windows and

terminating said information receiving program when said viewer computer terminal

terminates the display of the advertising information in the one window.

20. (Previously presented) The advertising information delivery method according to claim 19,

wherein it is determined whether a predetermined operation is executed or not for the viewer

computer terminal, and when the predetermined operation is executed, the advertising information

is delivered without awaiting a passage of the predetermined period of time.

21-22. (Canceled)

23. (New) The information delivery system according to claim 1, wherein said information

receiving program includes:

a category specifying function that specifies a category for which a user desires to obtain

the delivery information; and

a writing function that writes information regarding the category specified by said category

specifying function into a cookie as user information, said cookie being transmitted to the

information provider server by said browser application when said browser application accesses

said information provider server.

24. (New) The advertising information delivery method according to claim 19, further including

the steps of:

specifying a category for which a viewer desires to obtain advertising information by use

of a category specifying function of said information receiving program;

writing information regarding the category specified by said category specifying function

by the browser application into a cookie as viewer information, and

transmitting said cookie to said information provider server by the browser application

when the browser application accesses said information provider server.

25. (New) The advertising information delivery method according to claim 24, further including

the steps of:

determining whether said cookie is a corporate contract set cookie; and

when said cookie is not a corporate contract set cookie, determining whether said viewer is

subject to a corporate contract by judging an IP address of the viewer computer terminal.

26. (New) The advertising information delivery method according to claim 25, further including

the steps of:

determining that said cookie is a personal cookie when said cookie is not a corporate

contract set cookie and judging step indicates that said viewer is not subject to a corporate

contract.

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REMARKS

Reconsideration of the application is respectfully requested.

I.   Status of the Claims

Claims 1, 2, 7, 9-10, 14, and 19-20 are pending.

Claims 3-6, 8, 11-13, 15-18, and 21-22 were previously canceled without prejudice or

disclaimer of the subject matter therein.

With this Response, claims 1, 7, 10, 14 and 19 are amended, and new claims 23 - 26 are

added. No new matter is introduced. Support for the amendments may be found, for example,

with reference to Applicant's specification at page 15, lines 25 - 28, page 19, line 25 through page

21, line 1 and page 21, line 10 through page 22, line 5.

III.   Consideration of Information Disclosure Statement

Information Disclosure Statements were filed in the present application on February 25,

2005 and June 21, 2005. To date, Applicant has not received confirmation that the six references

cited in the IDS of June 21, 2005 have been considered by the Examiner. A copy of this IDS as

filed is enclosed with the Response for the Examiner's convenience. Applicant respectfully

requests that the Examiner provide Applicant with written confirmation that the references cited in

the IDS of June 21, 2005 have been considered.

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[1] Copies of these IDSs are present in the USPTO database.

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III.   Rejections under 35 U.S.C. § 112

Claim 1 is rejected under the second paragraph of 35 U.S.C. § 112 as being indefinite. Specifically, the Examiner finds that the pronoun "it" in the term "at the time it is displayed" is "not well defined" and is "confusing and unclear [as to] how something to be displayed is accessed and retrieved while 'at the same time' [it is] being displayed. Applicant amends claim 1 to delete this term, and respectfully requests that the rejection of claim 1 under the second paragraph of 35 U.S.C. § 112 be withdrawn.

IV.   Rejections under 35 U.S.C. § 103

Claims 1, 2, 7, 9, 14, 19 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,089,194 to Berstis et al. ("Berstis") in view of U.S. Patent No. 6,300,936 to Braun et al. ("Braun") and U.S. Patent No. 6,880,123 to Landsman et al. ("Landsman"). Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Berstis in view of Braun, Landsman and U.S. Patent No. 5,740,549 to Reilly et al. ("Reilly"). Applicant amends claims 1, 7, 10, 14 and 19 to further characterize the nature of his invention, and respectfully traverses these rejections.

In independent claim 1, Applicant claims:

1. An information delivery system, comprising:

a computer terminal; and

an information provider server,

wherein said computer terminal and said information provider server are connected
with each other via a network;

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> wherein said information provider server transmits content having an information
> receiving program or a tag for an information receiving program to said computer
> terminal in response to being accessed by said computer terminal,
>
> wherein said computer terminal executes a plurality of tasks, including a browser
> application, in a plurality of application windows simultaneously displayed on the
> computer terminal, and the content is displayed by the browser application in one
> window of the plurality of windows;
>
> wherein said computer terminal accesses and retrieves delivery information from a
> predetermined server via the network by the browser application and without
> changing information displayed in other windows of the plurality of windows,
> automatically displays the delivery information in the one window, in the case
> where, after said browser application displays the content in the one window, it is
> judged that an entering operation is not executed in the one window for a
> predetermined period of time by said information receiving program or the
> information receiving program obtained by the tag even when an entering
> operation is executed in the other windows during the predetermined period of
> time; and
> wherein said computer terminal terminates said information receiving program or
> the information receiving program obtained by the tag, when said computer
> terminal terminates the display of the received delivery information in the one
> window.
> (Emphasis added)

Applicant's invention, as claimed for example in amended independent claim 1, is a

"browser saver" that receives information when the user is not using his or her browser, and

displays the information even though the user is using other applications. The displayed

information may for example be an advertisement.

According to the invention as claimed in amended independent claim 1, the user operates

his or her computer in a multitasking environment displaying a plurality of application windows,

in which the user actively works in one application window at a time. When the user switches

from the browser application to another application, the claimed system monitors the period of

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time during which "entering operations" are suspended in the browser window. When this period

of suspension exceeds a predetermined time period, an information receiving program causes the

received information (e.g., advertisements) to be displayed in the browser window.

This browser saver differs from a conventional screen saver in a multitasking computer

environment, which is directed to monitoring inactivity in all open applications. When none of

the applications are active, the screen saver is activated. However, because with no activity the

user is often no longer in front of the terminal, the screen saver is not generally observed by the

user. In sharp contrast, according to the present invention, the displayed information for the

browser server in the inactive browser window is usually playing in the background while the user

is active in another window opened on the computer display, thus increasing the chances that the

user will see the information displayed in the browser window.

According to the present invention, when the user returns to the browser application (for

example, to retrieve another web page), the computer terminates display of the advertisement, and

terminates the information receiving program used for retrieving and displaying the

advertisements. In other words, the information receiving program does <u>not</u> remain resident in the

computer, but is freshly retrieved each time the user operates the browser application to access an

information provider server for content to be displayed by the browser application. Significantly,

this claimed approach eliminates any need for the user to install new versions of the information

receiving program over time, as new versions are automatically provided with the next request for

information content from the information provider server (see, e.g., page 4, lines 4 - 7 of

Applicant's specification).

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Berstis is directed to a method and apparatus for targeting advertisements by a server to a

specific client computer via a network (see, e.g., abstract and FIG. 1 of Berstis). During periods

of inactivity in a browser application, advertisements may be displayed on a display device of the

client computer (see, e.g., Col. 10: 67 - Col. 11: 3 of Berstis).

The Examiner acknowledges that Berstis fails to disclose a multitasking environment in

which the browser application is displayed without changing information displayed in others in a

plurality of display windows, but suggests that this element of Applicant's claimed invention is

disclosed by Braun (see, e.g., Col. 2: 10 - 25 of Braun). The Examiner further acknowledges that

Berstis and Braun to discloses that the advertisements are retrieved at the client computer during

the inactive periods ("at the time it is displayed") but suggests that this feature is disclosed by

Landsman (see, e.g., Col. 5: 26 - 36 of Landsman).

Applicant however respectfully submits that none of the cited references disclose or

otherwise suggest the features claimed in amended claim 1 that provide for an information

provider server to transmit content having an information receiving program (or a tag for an

information receiving program) to a browser application in response to an access request, and for

the browser application to terminate the information receiving program (either directly transmitted

to the browser application or as obtained by the tag) when the browser application terminates the

display delivery information retrieved and displayed in the browser window by the information

receiving program. While Landsman for example discloses that an agent may be downloaded to a

browser application in a web content request, for downloading advertising files to the browser

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application, Landsman provides that the agent is "persistent," and can be cached to resume the

display of advertisements after a current display has been terminated (see, e.g., Col. 9: 51

through Col. 10: 67 of Landsman).

On at least this basis, Applicant respectfully submits that amended independent claim 1 is

not obvious in view of Berstis, Braun, and Landsman, and therefore stands in condition for

allowance. As amended independent claims 7, 14, and 19 each essentially include the above-

argued elements of allowable independent claim 1, Applicant reapplies the above arguments and

submits that amended independent claims 7, 14 and 19 are not obvious in view of Berstis, Braun,

and Landsman. Accordingly, Applicant further submits that amended independent claims 7, 14

and 19 stand in condition for allowance.

As claims 2, 9, 10 and 20 each depend from one of allowable independent claims 1, 7 and

19, Applicants in addition submit that dependent claims 2, 9, 10 and 20 are also allowable for at

least this reason.

Therefore, Applicant respectfully requests that the rejection of claims 1, 2, 7, 9, 10, 14,

19 and 20 under 35 U.S.C. §103 be withdrawn.

V.   New Claims

Applicant adds new claim 23, which depends from allowable independent claim 1, and

new claims 24 - 26, which depend from allowable independent claim 19. For at least this reason,

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[2] In the present Response, Applicant amends independent claim 1 to eliminate this limitation.

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Applicant respectfully submits that new claims 23 - 26 are allowable. Applicant also submits that

new claims 23 - 26 are allowable on additional grounds.

For example, new claim 23 claims:

23. The information delivery system according to claim 1, wherein said information receiving program includes:

a category specifying function that <u>specifies a category for which a user desires to obtain the alternate content</u>; and

a writing function that <u>writes information regarding the category specified by said category specifying function into a cookie as user information, said cookie being transmitted to the information provider server by said browser application when said browser application accesses said information provider server</u>.

(Emphasis added).

In order that advertisements of likely interest may be presented to the user, the invention

claimed in new dependent claim 23 enables the user to select a category of interest, and then

writes user information indicating the category of interest to an Internet cookie of the browser

(see, e.g., page 19, line 26 through page 20, line 1 of Applicant's specification). Unless disabled

by the user, the cookie is transmitted to an information provider server by the browser application

each time the browser application accesses the information provider server to download a web

page. The Examiner acknowledges that Berstis, Braun and Landsman fail to disclose an

information delivery system that provides for specifying a category for which a viewer desires to

obtain advertising information by use of a category specifying function of the information

receiving program, and for writing information by a writing function of the information receiving

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program that indicates the specified category, but suggests that these features are taught by Reilly (see, e.g., Col. 7: 13 - 21 of Reilly)[3].

Applicant submits that Reilly however fails to teach or suggest the elements of new claim 23 that require the category information to be written by the information receiving program to an Internet cookie as user information that may be transmitted to an information provider server by the browser application when the browser application accesses the information provided server to obtain a Web page.

In sharp contrast to Applicant's claimed invention, neither Reilly nor any of the other cited references teach or suggest the use of Internet cookies as a mechanism for recording and conveying information between a computer terminal and an information service provider with regard to categories of information to be automatically retrieved and displayed in a browser application window during idle periods of time during which no entering operations are executed in the browser application. By employing Internet cookies as a mechanism for specifying the categories of advertising information to be displayed, Applicant's claimed system provides an efficient mechanism for retaining the specified category information, and enables category information to be independently and securely specified and retained for each of a plurality of information provider servers identified with different Internet domains (see, e.g., page 20, lines 22 - 31 of Applicant's specification.

For these additional reasons, Applicant respectfully submits that new claim 23 is not obvious in view of the cited reference, and therefore stands in condition for allowance. As claim

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[3] In the present Office Action, the Examiner makes this suggestion in reference to claim 10.

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24 includes essentially the same claim elements above-argued as distinguishing claim 23 over the

cited references, and claims 25 and 26 depend from claim 24, Applicant further submits that

claims 24 - 26 are also allowable for the above-argued additional reasons.

CONCLUSION

Therefore, in view of the above amendments and remarks, it is respectfully requested that a

Notice of Allowance as to all pending claims be issued in this case.

If there are any other issues remaining which the Examiner believes could be resolved

through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully

requested to contact the undersigned at the telephone number indicated below.

Dated:

Respectfully submitted,

By _____
Thomas J. Bean
Registration No.: 44,528
DARBY & DARBY P.C.
P.O. Box 5257
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(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant

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